

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ABC Corporation I et al,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

CASE NO. 20-cv-04806

Judge: Honorable Thomas M. Durkin

Magistrate Judge: Honorable Jeffrey Cole

RESPONSE TO PLAINTIFFS’ MOTION TO AMEND SCHEDULE A

Defendant Gyroor-US, by and through counsel, files this response to Plaintiffs’ motion to amend Schedule A.

To avoid their duty of service, Plaintiffs conveniently claim that Urbanmax (already dismissed), Gyroor store, Gyroshoes store, Fengchi-US, hgsm, and GaodeshangUS are “related to or affiliated with” the Gyroor-US Defendant. [Dkt. No. 227-1, ¶¶15-19]. Furthermore, Plaintiffs wish to “serve counsel who have appeared on behalf of the related entity with the papers in this case.” Motion to Amend Schedule A, [Dkt. No. 227, ¶7, p. 3.]

While counsel for Gyroor-US has not appeared on behalf of any of these allegedly affiliated entities (Gyroor store, Gyroshoes store, Fengchi-US, hgsm, and GaodeshangUS), and the only entity counsel has appeared on behalf of, the account Urbanmax, has already been dismissed, counsel for Gyroor-US does wish to voice against Plaintiffs’ unsubstantiated allegations as they appear to be nothing more than an obvious tactic to evade their responsibility to serve process or to save their prior failure of serving the individual entities.

Defendant Gyroor-US incorporates Tomoloo Defendant's [Dkt. No. 239] first arguments that *Plaintiffs' Claim of "Affiliation" Against "Schedule A" Stores is Conclusory and Tenuous*. Plaintiffs provided no credible evidence to make a colorable showing of "relation or affiliation."

First, selling the same products with the same ASIN number does not prove that the entities selling the same products are related or affiliated. Amazon's ASIN creation policy does not indicate that Amazon actually notifies brand owners about new storefronts selling branded products under existing or newly created ASINS. Therefore, evidence provided in Arthur Tan-Chi Yuan's declaration [Dkt. No. 227-1] is unpersuasive.

Second, evidence provided in Arthur Tan-Chi Yuan's declaration shows that the alleged "related or affiliated" entities are registered under different business names with different business addresses, which can only be understood as the entities are not "related or affiliated."

Third, Plaintiffs also seem to suggest that Gyroshoes is affiliated with Gyroor-US because counsel for Gyroor-US "had appeared in a related litigation," referring to ILND Case# 1:20-cv-05905. [Dkt. No. 227, ¶4]. This conclusory argument must be rejected.

As observed by Plaintiffs, counsel for Gyroor-US also represents Tomoloo-US in the related case ILND Case# 1:20-cv-05905. But in this case, Tomoloo-US is represented by other counsel. A mere suspicion is not enough to overcome the evidentiary requirements. Here, Plaintiffs' argument is based on unfounded inference rather than credible evidence.

Conclusion

For the foregoing reasons, Plaintiffs have not established that Gyroor store, Gyroshoes store, Fengchi-US, hgsm, and GaodeshangUS are related to or affiliated with the Gyroor-US Defendant. To the extent Plaintiffs wish to serve these storefront entities as party Defendants, they must follow the Court's November 24, 2020 PI Order [Dkt. No. 113, p. 13, ¶7] "by sending an email to any email addresses provided for Defendants by the Third Party Providers."

Date: 05/14/2021

/s/ He Cheng

He Cheng

Robin.Cheng@glacier.law

Tao Liu

Tao.Liu@glacier.law

Tianyu Ju

Iris.Ju@glacier.law

Glacier Law PLLC

200 Park Avenue, Suite 1703

New York, NY 10166

www.glacier.law

Tel: +1 (332) 208-8882

Fax: +1 (312) 801-4587

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this May 14, 2021, I electronically filed the foregoing file with the Clerk of Court using the CM/ECF system, and service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing documents via CM/ECF.

Date: 05/14/2021

/s/ He Cheng
He Cheng